TRANSMITTAL OF APPEAL BRIEF			Docket No. 418268833US	
In re Application of: School	rr et al.			
Application No. 10/736,435-Conf. #3420	Filing Date December 15, 2003		aminer Amini	Group Art Unit 2628
Invention: SYSTEM AND	METHOD FOR PROVIDING	A DYNAMI	CEXPANDE	D TIMELINE
	TO THE COMMISSIONER	OF PATEN	TS:	
Transmitted herewith is the Brief dated January 24, 200	Amended Appeal Brief in resp 8. The \$510.00 fee was paid	onse to the on October	Notice of No 30, 2007	on-Compliant Appeal
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Schorr et al.

Application No.: 10/736,435

Filed: December 15, 2003

For: SYSTEM AND METHOD FOR

PROVIDING A DYNAMIC EXPANDED

TIMELINE

Confirmation No. 3420

Art Unit: 2628

EXAMINER: J. A. Amini

AMENDED APPEAL BRIEF

MS Appeal Brief - Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief (37 C.F.R. § 41.37), dated January 24, 2008, Applicant submits this Amended Appeal Brief.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37. The complete Table of Contents follows.

TABLE OF CONTENTS

١.	REAL PARTY IN INTEREST				
II.,	RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS				
III.	STATUS OF CLAIMS				
IV.	STATUS OF AMENDMENTS				
V.	SUMMARY OF CLAIMED SUBJECT MATTER				
	A.	Overview of Appellants' Technology	1		
	B.	Independent Claims on Appeal	3		
VI.	GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL				
	A.	The Examiner's Rejections	5		
	B.	The Issues on Appeal	5		
VII.	ARG	UMENT	6		
	A.	Legal Requirements			
	B.	The Hoellerer Reference	6		
	C.	Discussion of the Issues	9		
	D.	Discussion of Rejections under Section 102(e) over Hoellerer	11		
VIII.		CLUSION			
CLAII	MS AP	PENDIX	17		
EVID	EVIDENCE APPENDIX				
ם בו	TED	DOCEEDINGS ADDENDIY	21		

I. REAL PARTY IN INTEREST

The real party in interest is Microsoft Corporation of Redmond, Washington.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

Neither Appellants, nor Appellants' legal representative, nor the Assignee is aware of any other prior or pending appeals, interferences, or judicial proceedings that may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the present appeal.

III. STATUS OF CLAIMS

Claims 1-44 have been presented. Claims 1-22 have been canceled during prosecution. Claims 23-44 are therefore presently pending. Claims 23-44 have been rejected.

Claims 23, 24, 27, 29, 35, 39, 41, and 44 are the subject of the present appeal. The text of these claims is set forth below in the Claims Appendix.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to an Office Action dated October 17, 2006.

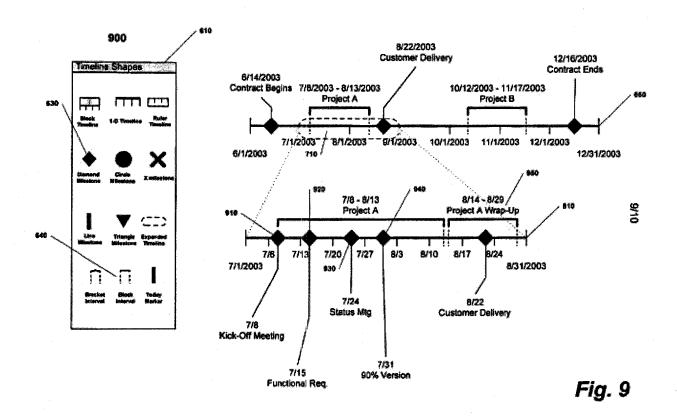
V. SUMMARY OF CLAIMED SUBJECT MATTER

A. Overview of Appellants' Technology

Appellants' technology displays a first line representing a non-expanded timeline view of a time interval of a project and a second line representing an expanded view of a portion of the time interval of the first line. Appellants' technology displays the first line, which may, for example, represent an entire project from its beginning to its ending. Appellants' technology allows a user to select a portion of the time interval of the first line and have that portion displayed in an expanded view on the second line. The

expanded view allows for the display of more detailed information about the project during the selected portion than can be displayed on the first line, which displays a larger time interval.

Figure 9 of Appellants' application (reproduced below) illustrates the display of the first and the second line. The first line 660 represents a timeline from 6/1/2003 to 12/31/2003. The second line 810 represents an expanded view of an interval of the first line from 7/1/2003 to 8/31/2003. The second line provides more detailed information about that interval. For example, the second line includes milestones 910, 920, 930, and 940, which are not shown on the first line.



Appellants' technology allows a user to add milestones or events or make other modifications to either the first line or the second line. When such a modification is made, Appellants' technology automatically updates the other line as appropriate.

B. <u>Independent Claims on Appeal</u>

1. <u>Claim 23</u>

Claim 23 is directed to a computer-implemented method in a project information management system. (9:15-25.) The method places a first line on an electronic drawing sheet. (14:15-24 and Fig. 9, 660.) The first line represents a first time interval and includes a first set of project events. (14:15-24 and Fig. 9, 660.) The method also receives an indication of a selection of a portion of the first line that represents a second time interval within the first time interval. (15:5-14 and Fig. 9, 810.) The method then places a second line on the electronic drawing sheet that corresponds to the second time interval. (15:15-25 and Fig. 9.) The second line represents an expanded view of the second time interval and includes a second set of project events that correspond to the first set of project events. (15:15-31 and Fig. 9.) The method then detects a modification of a project event of the first set that is within the second time interval. (16:14-29.) The method also automatically updates the second set of project events in the second line to conform to the updated project event of the first set. (16:14-29.)

2. Claim 35

Claim 35 is directed to a project information management system for displaying project event information. (9:15-25.) The system includes a drawing sheet module for placing a first line and a second line on an electronic drawing sheet. (14:15-24, 15:15-25, and Fig. 9, 660, 810.) The first line represents a first time interval and includes a first set of project events. (14:15-24 and Fig. 9.) The second line represents a second time interval and includes a second set of project events. (15:5-14 and Fig. 9.) The system also includes a timeline module for receiving from the drawing sheet module an indication of a selection of a portion of the first line and for dynamically linking the second line to the selected portion of the first line. (15:5-14, 16:14-29, and Fig. 9.) The second line represents an expanded view of the associated portion of the first line. (15:15-31 and Fig. 9.) The second set of project events corresponds to the first set of project events in the selected portion of the first line. (15:15-31 and Fig. 9.) The

detection of a modification of the first set of project events in the selected portion of the first line results in automatically updating the second set of project events in the second line to conform to the modified first set of project events. (16:14-29 and Fig. 9.) Also, detection of a modification of the second set of project events results in updating the first set of project events in the first line to conform to the modified second set of project events. (13:7-13.)

3. <u>Claim 39</u>

Claim 39 is directed to a computer-readable storage device storing a set of computer-executable instructions. (6:11-24.) The instructions implement a method in a project information management system. (9:15-25.) The method places a first line on an electronic drawing sheet. (14:15-24 and Fig. 9, 660.) The first line represents a first time interval and includes a first set of project events. (14:15-24 and Fig. 9.) The method also receives an indication of a selection of a portion of the first line that represents a second time interval within the first time interval. (15:5-14 and Fig. 9.) The method places a second line on the electronic drawing sheet corresponding to the second time interval. (15:15-25 and Fig. 9, 810.) The second line represents an expanded view of the second time interval and includes a second set of project events corresponding to the first set of project events. (15:15-31 and Fig. 9.) The method then detects a modification of a project event of the first set that is within the second time interval. (16:14-29.) The method automatically updates the second set of project events in the second line to conform to the updated project event of the first set. (16:14-29.)

4. Claim 44

Claim 44 is directed to a project information management system for displaying project event information. (9:15-25.) The system includes a component for depicting a first line and a second line on an electronic drawing sheet. (14:15-24, 15:15-25, and Fig. 9, 660, 810.) The first line represents a first time interval. (14:15-24 and Fig. 9.)

The system also includes a component for allowing user selection of a portion of the first line that represents a second time interval within the first time interval and for dynamically linking the selected portion to the second line. (15:5-14, 16:14-29, and Fig. 9.) The second line represents an expanded view of the second time interval. (15:15-31 and Fig. 9.) The system also includes a component for allowing user addition of a first project milestone to the first line. (15:15-31.) The system includes a component for determining whether the first project milestone is in the second time interval, and if the first project milestone is in the second project milestone to the second line that corresponds to the first project milestone. (16:14-29.) The system also includes a component for allowing user addition of a third project milestone to the second line in addition to the second project milestone without adding a corresponding project milestone to the first line. (16:30-17:2.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. The Examiner's Rejections

The Examiner has rejected all of the appealed claims under 35 U.S.C. § 102(e) over Hoellerer.

B. The Issues on Appeal

- 1. Whether Hoellerer's Figure 10 identically describes placing a second line on an electronic drawing sheet.
- 2. Whether Hoellerer identically describes an expansion of a portion of an alternative trip.
- 3. Whether the Examiner has established a *prima facie* case of anticipation of claims 35 and 44.

VII. ARGUMENT

A. <u>Legal Requirements</u>

The Examiner has rejected the appealed claims as being anticipated under 35 U.S.C. § 102(e), which provides that:

A person shall be entitled to a patent unless—

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent.

To anticipate a claim, each claim element must be identical to a corresponding element in the applied reference. Glaverbel Société Anonyme v. Northlake Mktg. & Supply, Inc., 45 F.3d 1550, 1554 (Fed. Cir. 1995). Indeed, the failure to mention "a claimed element (in) a prior art reference is enough to negate anticipation by that reference." Atlas Powder Co. v. E.I. du Pont De Nemours & Co., 750 F.2d 1569, 1574 (Fed. Cir. 1984). To establish a *prima facie* case of anticipation, the Examiner must identify where "each and every facet of the claimed invention is disclosed in the applied reference." Ex parte Levy, 17 U.S.P.Q.2d 1461, 1462 (Bd. Pat. App. & Interf. 1990).

Under these standards, Appellants' invention is not anticipated by Hoellerer. The Examiner has not identified a prior art reference that identically discloses all the elements of the appealed claims. Moreover, in rejecting some of the claims, the Examiner has not even asserted that Hoellerer discloses certain features of those claims and thus has not even established a *prima facie* case of anticipation. Therefore, the rejection of the claims should be reversed.

B. <u>The Hoellerer Reference</u>

Hoellerer is directed to facilitating a decision making process, such as planning a trip. A number of windows may depict different types of information that may be helpful

in the planning. Figure 2B of Hoellerer (reproduced below) depicts these windows. A calendar window 240 illustrates three alternative trip plans 242. When planning a trip, a user can define the alternative trip plans so that the user can evaluate which of the alternatives is best. A map window 220 identifies the locations to be visited on a trip. Each location may be visually linked using a ray 224 to the related information in the calendar window. If the user selects a trip destination in a map window, a visual link may be generated between the destination and one or more of the alternative trip plans in the calendar window.

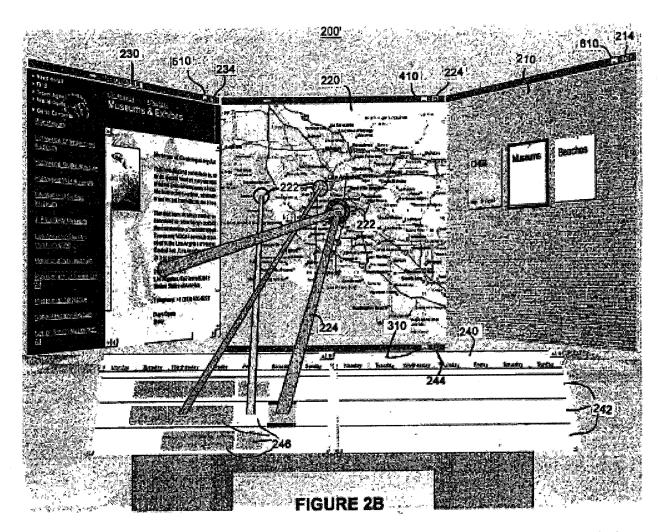
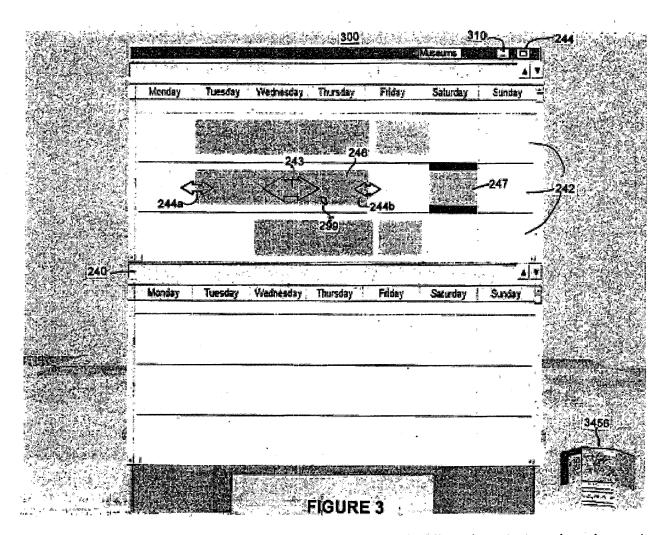
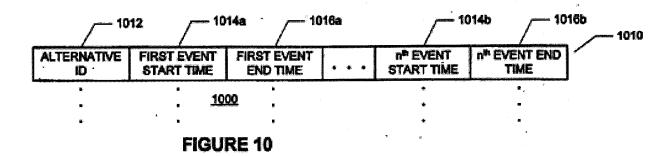


Figure 3 (reproduced below) represents an expand view of the calendar window. The upper portion represents the first week and the lower portion represents the second

week of the alternative trips. Each alternative trip includes events that are planned for it.



Hoellerer also describes a data structure for holding the start and end event times for each event of an alternative trip. Figure 10 (reproduced below) illustrates the data structure.



C. Discussion of the Issues

1. <u>Hoellerer's Figure 10 does not describe placing a second line on an electronic drawing sheet.</u>

All the claims recite generally that a first line and a second line are displayed and that the second line represents a time interval within the time interval represented by the first line. For example, claim 23 recites "receiving an indication of a selection of a portion of the first line that represents a second time interval within the first time interval" and "placing a second line on the electronic drawing sheet corresponding to the second time interval, the second line representing an expanded view of the second time interval."

It is the Examiner's position that "Hoellerer in fig. 10 illustrates the step of placing a second line on the electronic drawing sheet corresponding to the second time interval, the second line representing an expanded view of the second time interval." (Office Action, Oct. 17, 2006, pp. 2-3.) The Examiner is mistaken.

Figure 10 of Hoellerer does not describe the displaying of anything, let alone the describing of a second line that represents a time interval within a first line that is displayed. Figure 10, along with Figures 9, 11, and 12, "depict[s] <u>data structures</u> which may be used" in certain embodiments. (Hoellerer, ¶ 0033, emphasis added.) Hoellerer describes the data structure in Figure 10 as follows:

The data structure 1000 includes records 1010. Each of the records 1010 corresponds to a trip plan and may include a field 1012 for containing a unique identifier for identifying each of the

alternative trip plans, fields 1014 for containing the start time of each of the events, and fields 1016 for containing the end time of each of the events.

(Hoellerer, ¶ 0105.)

A data structure is not the same as a second line that is displayed. A "'data structure' is 'a physical or logical relationship among data elements, designed to support specific data manipulation functions." (MPEP § 2106.01.) Moreover, Hoellerer does not teach the display of the data structure depicted in Figure 10. Even if Hoellerer did describe the display of the data structure of Figure 10, the data structure is not a second line that represents an expanded view of a second time interval within a first time interval. As such, Hoellerer does not identically disclose the display of a second line as recited by the claims.

2. <u>Hoellerer describes no expanded timeline of a portion of an alternative trip.</u>

All the claims generally recite that the second line is an expansion of a portion of the first line. For example, claim 23 recites that "the second line represent[s] an expanded view of the second time interval," which is a portion of the first time interval. The Examiner believes that Hoellerer's calendar window of Figure 3 with its alternative trip plans corresponds to the claimed first line. (Office Action, Oct. 17, 2006, p. 2.) Given this correspondence, whatever feature of Hoellerer the Examiner believes corresponds to Appellants' "second line" would need to be an expansion of an alternative trip plan. The Examiner has not pointed to anything that represents an expansion of an alternative trip plan. A data structure is not an expansion of an alternative trip plan.

In addition, the claims recite generally that a portion of the first line is selected and that the second line corresponds to the time interval of that selected portion. Even assuming, for the sake of argument, that the data structure of Figure 10 was displayed for an alternative trip plan, it would represent the entire trip plan and not a selected

portion of the alternative trip plan or an expansion of the trip plan. Indeed, such a data structure contains the same information that is graphically displayed in Figure 3.

3. The Examiner has not even asserted that Hoellerer discloses various features of some of the claims and thus has not established a prima facie case of anticipation of those claims.

In rejecting independent claims 32 and 44, the Examiner simply states that the "rejection of Claims 32, 35, 39, and 44 are similar to the rejection of claim 23." (Office Action, October 17, 2006, p. 5.) Independent claims 35 and 44, however, include features not included in claim 23. Not surprisingly, the Examiner did not mention those features in the rejection of claim 23, since those features are not in claim 23. By failing to point to anything in Hoellerer as corresponding to these features, the Examiner has not established a *prima facie* case of anticipation of these claims.

D. Discussion of Rejections under Section 102(e) over Hoellerer

1. Claims 23 and 39

These claims recite "receiving an indication of a selection of a portion of the first line that represents a second time interval within the first time interval" and "placing a second line on the electronic drawing sheet corresponding to the second time interval, the second line representing an expanded view of the second time interval." As discussed above in Section VII.C.1, the Examiner points to a data structure of Hoellerer as corresponding to the displaying of a second line. A data structure, however, is neither a line nor the displaying of a line. Also, as discussed above in Section VII.C.2, nothing in Hoellerer corresponds to one line being an expanded view of another line.

2. Claim 24¹

Claim 24, which depends from claim 23, further recites "adding at least one project event [] to the second line without modifying the selected portion of the first line." The "second line" of this claim represents an expansion of a portion of the first

¹ Each dependent claim is not anticipated for the same reasons as the claim from which it depends and for the additional reasons discussed under the dependent claim's subheading.

line. Claim 24 further makes it clear that in some cases a modification of adding a project event to an expanded line (i.e., the second line) will not result in a modification of the unexpanded line (i.e., the first line).

The Examiner believes that Hoellerer's calendar window of Figure 3 with its alternative plans corresponds to the claim's first line. (Office Action, Oct. 17, 2006, p. 2.) In rejecting claim 24, the Examiner states

Hoellerer in fig. 10 illustrates that the calendar window 240 may include a number of alternative trip plans. Each of the trip plans includes one or more events (e.g., see a Redskins game, visit Aunt Betty, visit an aquarium, see autumn foliage, see the Statue of Liberty).

(Office Action, Oct. 17, 2006, p. 3.) It is not clear to Appellant how this statement in any relates to or supports a rejection of claim 24. This statement does not relate to adding an event to a second line without modifying a first line as recited by this claim. Rather, the statement simply indicates that alternative trip plans have events, which says nothing about adding an event to one line without modifying another line.

3. Claim 27

Claim 27, which depends from claim 23, further recites that "selecting a portion of the first line to expand the selected portion includes dragging and dropping an icon over the selected portion of the first line." In rejecting this claim, the Examiner states "Hoellerer in fig. 2B shows the claim limitations." (Office Action, Oct. 17, 2006, p. 4.) The Examiner is mistaken. Although Hoellerer discusses "icons" when describing Figure 2B and may discuss dragging icons, the dragging and the icons relate to Hoellerer's map, not Hoellerer's calendar, which the Examiner believes corresponds to Appellants' "first line." In particular, when describing Figure 2B, Hoellerer states that "map window 220 depicts a map, in which places 222 to be visited are highlighted, with a colored marker icon for example." (Hoellerer, ¶ 0073.) Although Hoellerer describes dragging and dropping an icon over the map of Figure 2, this description does not

identically correspond to dragging and dropping the icon over the calendar, which the Examiner believes corresponds to the first line.

4. Claim 29

Claim 29, which depends from claim 23, further recites "the selected portion of the first line has a first length and the second line has a second length greater than the first length." In rejecting this claim, the Examiner states

Hoellerer at paragraph 0120 teaches if the user has deleted Camden but later decides to visit the Camden aquarium instead of the Baltimore aquarium, they can drag the marker from Baltimore to Camden. In an alternative embodiment, rather than having a single map in which the user can zoom and pan, a fixed set of maps may be used by the map window 220.

(Office Action, Oct. 17, 2006, p. 4.) Appellants are puzzled by the Examiner's statement. It appears to be not in any way related to lines of differing lengths. Moreover, it is unrelated to Hoellerer's calendar or data structure of Figure 10, which the Examiner believes corresponds to Appellants' "first line" and "second line," respectively.

5. Claim 35

Claim 35 recites "placing a first line and a second line on an electronic drawing sheet, the first line representing a first time interval and including a first set of project events and the second line representing a second time interval and including a second set of project events." As discussed above in Section VII.C.1, the Examiner points to a data structure of Hoellerer as corresponding to the displaying of a second line. A data structure, however, is neither a line nor the displaying of a line. Also, as discussed above in Section VII.C.2, nothing in Hoellerer corresponds to one line being an expanded view of another line.

When rejecting claim 35, the Examiner points to the rationale for rejecting claim 23. Claim 35, however, has a feature not included in claim 23. Because the Examiner has not pointed to anything in Hoellerer as corresponding to that feature, the Examiner

has not established a *prima facie* case of anticipation. In particular, claim 35 recites that "detection of a modification of the second set of project events results in updating the first set of project events in the first line to conform to the modified second set of project events." Thus, this claim recites that if the second set of project events of the expanded line is modified, the first set of project events of the non-expanded line is updated. Claim 23, in contrast, recites the converse. That is, if the first set of project events of the non-expanded line is modified, the second set of project events of the expanded line is updated. So, the Examiner has not asserted that Hoellerer identically discloses detecting that an expanded line is modified and if so, updating a non-expanded line and thus has not established a *prima facie* case of anticipation.

6. <u>Claim 41</u>

Claim 41, which depends from claim 39, further recites that "selecting the portion of the first line comprises selecting the portion of the first line by placing an icon onto the first line." In rejecting this claim, the Examiner states "Hoellerer in fig. 2B shows the claim limitations." (Office Action, Oct. 17, 2006, p. 4.) The Examiner is mistaken. Although Hoellerer discusses "icons" when describing Figure 2B and may discuss dragging icons, the dragging and the icons relate to Hoellerer's map, not Hoellerer's calendar, which the Examiner believes corresponds to Appellants' "first line." In particular, when describing Figure 2B, Hoellerer states that a "map window 220 depicts a map, in which places 222 to be visited are highlighted, with a colored marker icon for example." (Hoellerer, ¶ 0073.) Although Hoellerer describes placing an icon over the map of Figure 2, this does not identically correspond to placing the icon over the calendar, which the Examiner believes corresponds to Appellants' first line.

7. Claim 44

Claim 44 recites "depicting a first line and a second line on an electronic drawing sheet, the first line representing a first time interval" and "allowing user selection of a portion of the first line that represents a second time interval within the first time interval and dynamically-linking the selected portion to the second line, wherein the second line

represents an expanded view of the second time interval." As discussed above in Section VII.C.1, the Examiner points to a data structure of Hoellerer as corresponding to the displaying of a second line. A data structure, however, is neither a line nor the displaying of a line. Also, as discussed above in Section VII.C.2, nothing in Hoellerer corresponds to one line being an expanded view of another line.

When rejecting claim 44, the Examiner points to the rationale for rejecting claim 23. Claim 44, however, has a feature not included in claim 23. Because the Examiner has not pointed to anything in Hoellerer as corresponding to that feature, the Examiner has not established a *prima facie* case of anticipation of claim 44. In particular, claim 44 recites "allowing user addition of a third project milestone to the second line in addition to the second project milestone without adding a corresponding project milestone to the first line." (Emphasis added.) Claim 23 does not recite anything relating to "without adding a corresponding project milestone to the first line," as recited by claim 44. Therefore, since the Examiner has not asserted that Hoellerer discloses this feature when discussing claim 44, the Examiner has failed to point to anything in Hoellerer that discloses this feature. Thus, the Examiner has not established a *prima facie* case of anticipation of this claim.

VIII. CONCLUSION

The Examiner has not demonstrated that Hoellerer identically discloses the display of a second line because the data structure of Hoellerer's Figure 10 is not a "second line" and is not displayed. Moreover, by failing to even discuss certain aspects of claims 35 and 44, the Examiner has not established a *prima facie* case of anticipation of these claims. Accordingly, the rejection of the claims should be reversed.

Dated: 2-18-08

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CLAIMS APPENDIX

- 23. A computer-implemented method in a project information management system, comprising:
 - placing a first line on an electronic drawing sheet, the first line representing a first time interval and including a first set of project events;
 - receiving an indication of a selection of a portion of the first line that represents a second time interval within the first time interval;
 - placing a second line on the electronic drawing sheet corresponding to the second time interval, the second line representing an expanded view of the second time interval and including a second set of project events corresponding to the first set of project events;
 - detecting a modification of a project event of the first set that is within the second time interval; and
 - automatically updating the second set of project events in the second line to conform to the updated project event of the first set.
- 24. The method of Claim 23 further comprising adding at least one project events to the second line without modifying the selected portion of the first line.
- 27. The method of Claim 23 wherein selecting a portion of the first line to expand the selected portion includes dragging and dropping an icon over the selected portion of the first line.
- 29. The method of Claim 23 wherein the selected portion of the first line has a first length and the second line has a second length greater than the first length.

- 35. A project information management system for displaying project event information, comprising:
 - a drawing sheet module for placing a first line and a second line on an electronic drawing sheet, the first line representing a first time interval and including a first set of project events and the second line representing a second time interval and including a second set of project events; and
 - a timeline module for receiving from the drawing sheet module an indication of a selection of a portion of the first line and for dynamically-linking the second line to the selected portion of the first line, wherein the second line represents an expanded view of the associated portion of the first line, and wherein the second set of project events correspond to the first set of selected portion of the first line such that detection of a modification of the first set of project events in the selected portion of the first line results in automatically updating the second set of project events in the second line to conform to the modified first set of project events or detection of a modification of the second set of project events results in updating the first set of project events in the first line to conform to the modified second set of project events.
- 39. A computer-readable storage device storing a set of computer-executable instructions implementing a method for a computer-implemented method in a project information management system, comprising the steps of:
 - placing a first line on an electronic drawing sheet, the first line representing a first time interval and including a first set of project events;
 - receiving an indication of a selection of a portion of the first line that represents a second time interval within the first time interval;
 - placing a second line on the electronic drawing sheet corresponding to the second time interval, the second line representing an expanded view of

- the second time interval and including a second set of project events corresponding to the first set of project events;
- detecting a modification of a project event of the first set that is within the second time interval; and
- automatically updating the second set of project events in the second line to conform to the updated project event of the first set.
- 41. The storage device of Claim 39 wherein the step of selecting the portion of the first line comprises selecting the portion of the first line by placing an icon onto the first line.
- 44. A project information management system for displaying project event information, comprising:
 - a component for depicting a first line and a second line on an electronic drawing sheet, the first line representing a first time interval;
 - a component for allowing user selection of a portion of the first line that represents a second time interval within the first time interval and dynamically-linking the selected portion to the second line, wherein the second line represents an expanded view of the second time interval;
 - a component for allowing user addition of a first project milestone to the first line;
 - a component for determining if the first project milestone is in the second time interval;
 - if the first project milestone is in the second time interval, adding a second project milestone to the second line that corresponds to the first project milestone; and
 - a component for allowing user addition of a third project milestone to the second line in addition to the second project milestone without adding a corresponding project milestone to the first line.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.